

BEFORE THE GROWTH MANAGEMENT HEARINGS BOARD
WESTERN WASHINGTON REGION
STATE OF WASHINGTON

CITY OF OAK HARBOR,

Case No. 10-2-0017

Petitioner,

v.

**ORDER FINDING
NON-COMPLIANCE – FAILURE TO ACT**

ISLAND COUNTY,

Respondent.

On November 16, 2010, the City of Oak Harbor (City) filed a Petition for Review (PFR) alleging a failure of Island County (County) to act to review and revise urban growth areas and densities by September 28, 2008, as required by RCW 36.70A.130(a) and (b).

A Notice of Hearing was sent scheduling a Prehearing Conference on December 17, 2010. On December 3, 2010, the County filed a Dispositive Motion to Dismiss. On December 10, 2010, the City filed a Response to the County's motion which included a Counter Motion for Final Decision and Order on Limited Record. On December 13, 2010, the Presiding Officer sent a letter to the parties advising that during the Prehearing Conference the Board would allow each side to present oral argument on the motions.

I. DISCUSSION

At the December 17, 2011 Prehearing Conference, the County acknowledged it failed to meet its obligations under RCW 36.70A130(3)(a) and (b), but stated it plans to take final legislative action on CPA 155/04 which is Island County's comprehensive plan amendment reviewing urban growth areas (UGAs) based on the twenty-year population forecast.¹

¹ Declaration of Robert H. Pederson, Island County Planning Director, December 3, 2011.

1 The County conceded it has not acted to review and revise its UGAs and densities and
2 stated it is willing to enter into a compliance schedule to complete this process.

3 4 II. ORDER

5 Based upon the foregoing, the Board finds Island County has failed to review and revise its
6 urban growth areas and densities by September 28, 2008 as required by RCW
7 36.70A.130(a) and (b) and is therefore out of compliance. The County shall have until April
8 30, 2011 to achieve compliance. The following schedule shall apply:
9

10	Compliance Due on identified areas of	April 30, 2011
11	noncompliance	
12	Compliance Report/Statement of Actions Taken to	May 16, 2011
13	Comply and Index to Compliance Record	
14	Objections to a Finding of Compliance	May 31, 2011
15	Response to Objections	June 7, 2011
16	Compliance Hearing – Telephonic	June 21, 2011
17	Call 360 407-3780 pin 762580#	@ 10:00 a.m.

18 DATED this 20th day of December, 2010.

19 
20 Nina Carter, Board Member

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22 James McNamara, Board Member

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24 William P. Roehl, Board Member